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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,348	03/09/2001	Matthew J. Hershenson	04676P009X	7427

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EXAMINER
DU, THUAN N

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	**Applicant(s)**
Office Action Summary		09/802,348	HERSHENSON ET AL.
		Examiner	**Art Unit**
		Thuan N. Du	2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2005*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-19 and 21* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-19 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   It is hereby acknowledged that the following papers have been received and placed of

record in the file: Amendment A (dated 1/13/05).

2.   Claims 10 and 20 have been cancelled. Claim 21 has been added. Claims 1-9, 11-19 and

21 are presented for examination.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 103

4.   Claims 1-4, 6, 8, 9, 11, 13, 15, 16, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Gladstein et al. [Gladstein] (U.S. Patent No. 5,349,668) in view of

Teitelbaum et al. [Teitelbaum] (U.S. Patent No. 5,848,231).

5.   **Regarding claim 1,** Gladstein teaches a method for preserving data on a portable

apparatus (digitizer tablet computer 10) having a limited power source (battery 74) comprising

the steps of:

        detecting that power available in said power source has reached a first threshold value

[abstract, lines 4, 8-9; col. 2, lines 4-15; col. 7, lines 44-47; col. 9, lines 8-12; col. 12, lines 5-12];

        notifying a user that the first threshold value has been reached [col. 1, lines 60-61; col.

Col. 4, lines 1-3, line 67 to col. 5, line 2; col. 7, lines 44-47; col. 9, lines 25-27]; and

        detecting that power available in said power source has reached a second threshold value

[col. 7, lines 50-53; col. 9, lines 12-15].

Gladstein teaches that the data stored in volatile memory is saved on said portable

apparatus responsive to said first threshold value being reached [col. 2, lines 8-17; col. 12, lines

12-13, 22-23]. Gladstein does not explicitly teach that the data is saved in responsive to the

second threshold value being reached. However, one of ordinary skill in the art would have

recognized that the system taught by Gladstein capable of setting more than two thresholds as

disclosed. Another threshold could be set in between the disclosed two thresholds for saving the

data without departing from the scope of the invention taught by Gladstein.

Gladstein teaches the data is saved in a non-volatile memory but does not explicitly teach

that the data is saved on a remote portal server.

Teitelbaum teaches a method for preserving data including the step of saving data to a

remote portal server (file server) in the event that failure of the workstation occurs to minimize

the loss of data [col. 15, lines 24-25, 28-29].

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Gladstein and Teitelbaum because they both teach method

for preserving data on a computer system. Teitelbaum's teaching of saving the data to a remote

server would enhance Gladstein's system by allowing not only the memory space of the non-

volatile memory in the computer system can be saved but also the loss of data in the event that

failure of the computer system occurs can be minimized.

6.   **Regarding claim 2,** both Gladstein and Teitelbaum do not explicitly teach the step of

warning the user that any subsequent data has a risk of being lost responsive to said second

threshold value being reached.

Gladstein teaches a warning signal is provided to the user to save the volatile data when the power level of the battery reaches the predetermined value. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the current data will have a risk of being lost if the data is not saved. As such, any subsequent data enter into the volatile memory will have the same risk when the warning signal has provided.

7.   **Regarding claim 3**, both Gladstein and Teitelbaum do not explicitly teach the step of sending a battery to a user when said second threshold value has reached.

Gladstein teaches the battery is disconnected immediately when a second threshold has reached. The second threshold taught by Gladstein indicates the battery is fully depleted. Therefore, one of ordinary skill in the art would have recognized that recharging or replacing the battery is needed in order to bring the computer system back to a normal operation. In the event that the battery needs to be replaced, it would have been obvious for the user to order a new battery to be sent to the user's location for the user's convenience.

8.   **Regarding claim 4**, Gladstein teaches that the second threshold value (5.0 volts) is less than said first threshold value (5.50 volts) [col. 7, lines 45-47, 51-53; col. 12, lines 17-18].

9.   **Regarding claim 6**, Gladstein teaches that all data stored in volatile memory is saved [col. 2, lines 15-16; col. 12, lines 22-23].

Gladstein teaches the data is saved in a non-volatile memory but does not explicitly teach that the data is saved on a remote portal server.

Teitelbaum teaches a method for preserving data including the step of saving data to a remote portal server in the event that failure of the workstation occurs to minimize the loss of data [col. 15, lines 24-25, 28-29].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gladstein and Teitelbaum because they both teach method for preserving data on a computer system. Teitelbaum's teaching of saving the data to a server would enhance Gladstein's system by allowing not only the memory space of the non-volatile memory in the computer system can be saved but also the loss of data in the event that failure of the computer system occurs can be minimized.

10.   **Regarding claim 21**, Gladstein teaches that the user is notified when the first threshold value has been reached. Teitebaum teaches the communication between the workstation and the remote portal server. Therefore, one of ordinary skill in the art would have readily recognized that the Gladstein-Teitelbaum system would capable of notifying the remote portal server that the first threshold value has been reached using similar warning signal as taught by Gladstein.

11.   **Regarding claims 8, 9, 11, 13, 15 and 16**, Gladstein and Teitelbaum together teach the claimed method steps. Therefore, Gladstein and Teitelbaum together teach the apparatus to implement the claimed method steps.

12.   **Regarding claims 18 and 19**, Gladstein and Teitelbaum together teach the claimed method steps. Therefore, Gladstein and Teitelbaum together teach the program code for carrying out the claimed method steps.

13.   Claims 5, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gladstein et al. [Gladstein] (U.S. Patent No. 5,349,668) in view of Teitelbaum et al. [Teitelbaum] (U.S. Patent No. 5,848,231) as applied to claims 1, 8 and 15 above, and further in view of Harwell et al. [Harwell] (U.S. Patent No. 5,396,637).

14.   **Regarding claim 5,** both Gladstein and Teitelbaum do not explicitly teach the step of

restoring the data to the portable apparatus after said power supply rises above the second

threshold value.

Harwell teaches that the content of a volatile memory (RAMs 26, 28) is stored in a non-

volatile memory (disk drives 34, 36) when the voltage level falls below a predetermined

threshold value [col. 3, lines 20-29]. Thereafter, the content of the volatile memory is restored

back into the volatile memory from a non-volatile memory upon a subsequent power up

[abstract; col. 3, lines 37-42]. To detect the subsequent power up, Harwell obviously uses the

same threshold value to determine whether the voltage rises above the threshold value.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Gladstein-Teitelbaum and Harwell because they all teach

method for preserving data. Harwell's teaching of automatically restoring the data to the volatile

memory upon subsequent power up would increase the productivity of the user because the user

can continue his/her work at the point just prior to the battery being depleted.

15.   **Regarding claims 12 and 17,** Gladstein, Teitelbaum and Harwell together teach the

claimed method steps. Therefore, Gladstein, Teitelbaum and Harwell together teach the

apparatus to implement the claimed method steps.

16.   Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gladstein et al. [Gladstein] (U.S. Patent No. 5,349,668) in view of Teitelbaum et al. [Teitelbaum]

(U.S. Patent No. 5,848,231) as applied to claims 1 and 8 above, and further in view of Inomata et

al. [Inomata] (U.S. Patent No. 5,438,679).

17.   **Regarding claim 7,** Gladstein teaches that all data stored in volatile memory is saved [col. 2, lines 15-16; col. 12, lines 22-23].

Gladstein teaches the data is saved in a non-volatile memory but does not explicitly teach that the data is saved on a remote portal server.

Teitelbaum teaches a method for preserving data including the step of saving data to a remote portal server in the event that failure of the workstation occurs to minimize the loss of data [col. 15, lines 24-25, 28-29].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gladstein and Teitelbaum because they both teach method for preserving data on a computer system. Teitelbaum's teaching of saving the data to a server would enhance Gladstein's system by allowing not only the memory space of the non-volatile memory in the computer system can be saved but also the loss of data in the event that failure of the computer system occurs can be minimized.

Gladstein-Teitelbaum does not explicitly teach only unrecoverable data is saved.

Inomata teaches a method for saving data upon power failure occurs in which only necessary data is saved [col. 1, lines 38-47]. One of ordinary skill in the art would have recognized that necessary data is important data which is not recoverable or very hard to recover when it is being lost.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gladstein-Teitelbaum and Inomata because they all teach method for preserving data upon power lost is detected. Inomata's teaching of saving

only necessary data would desirably reduce the memory usage and power consumption to perform the saving operation task of Gladstein-Teitelbaum's system.

18.   **Regarding claim 14**, Gladstein, Teitelbaum and Inomata together teach the claimed method steps. Therefore, Gladstein, Teitelbaum and Inomata together teach the apparatus to implement the claimed method steps.

Conclusion

19.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday, Wednesday-Friday: 10:00 am - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

Thuan N. Du
March 5, 2005